

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

v.

*

Criminal Action No. RDB-19-32

ERWIN BOATENG,

*

Defendant.

*

* * * * *

MEMORANDUM ORDER

Before this Court is the Defendant Erwin Boateng's Motion for Compassionate Release (ECF No. 318), Motion for Release on Public Health Emergency and Other Grounds (ECF No. 317), Motion for Release Pending Appeal (ECF No. 328), two Motions to Expedite Motion for Release Pending Appeal (ECF Nos. 331, 332), and Motion for Extension (ECF No. 342). While those Motions were pending, Defendant was released. *See Find an Inmate*, FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/inmateloc/#> (search by register number 64529-037).

Accordingly, the Court can no longer grant Defendant's requested relief. "Simply stated, a case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Incumaa v. Ozmint*, 507 F.3d 281, 286 (4th Cir. 2007) (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)).

The Fourth Circuit Court of Appeals has determined that requests for compassionate release under § 3582 are rendered moot when an inmate is released. *See United States v. Banks-Davis*, No. 21-6550, 2021 U.S. App. LEXIS 31869, 2021 WL 4936206, at *1 (4th Cir. Oct. 22, 2021) (citing *United States v. Chestnut*, 989 F.3d 222, 224–25 (2d Cir. 2021)); *see also*

United States v. Jackson, No. 22-7140, 2023 U.S. App. LEXIS 19100, 2023 WL 4758733, at *1 (4th Cir. July 26, 2023) (“Because Jackson has already served his term of imprisonment, there is no longer a live controversy regarding the orders denying his motions for compassionate release and for reconsideration.”).

As the Court now lacks subject matter jurisdiction to hear this matter, Defendant Erwin Boateng’s Motion for Compassionate Release (ECF No. 318); Motion for Release on Public Health Emergency and Other Grounds (ECF No. 317), Motion for Release Pending Appeal (ECF No. 328), two Motions to Expedite Motion for Release Pending Appeal (ECF Nos. 331, 332), and Motion for Extension (ECF No. 342) are DENIED AS MOOT. It is SO ORDERED this 25th day of July, 2024.

/s/

Richard D. Bennett
United States Senior District Judge